

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

vs.

CASE. NO. 98-0054-03 (SEC)

JOSE L. FRANCO-DIAZ

* * * * *

**MOTION NOTIFYING VIOLATIONS OF SUPERVISED RELEASE
CONDITIONS AND REQUEST FOR THE ISSUANCE OF A SUMMONS**

**TO THE HONORABLE SALVADOR E. CASELLAS
SENIOR U.S. DISTRICT JUDGE
DISTRICT OF PUERTO RICO**

COMES NOW, YVETTE VILLEGAS-OTERO, U.S. PROBATION OFFICER of this Court, presenting an official report upon the conduct and attitude of offender, José L. Franco-Díaz, who on March 25, 1999, was sentenced to serve an eighty-seven (87) month imprisonment term followed by a five (5) year supervised release term after he plead guilty to violating Title 21 U.S.C. §§ 841(a)(1) and 18:2. A special monetary assessment in the amount of \$100 was ordered, which he paid in full. As special condition, he was ordered to participate in urinalyses and drug treatment if necessary. On August 8, 2003, the offender was released from confinement, upon which time his supervision term commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS
FOLLOWS:**

The offender incurred in the following violations:

**1. STANDARD CONDITION NO. 1 - "THE DEFENDANT SHALL NOT LEAVE THE
JUDICIAL DISTRICT WITHOUT THE PERMISSION OF THE COURT OR PROBATION
OFFICER."**

The offender did not request permission to travel and was not authorized to leave our jurisdiction. He admitted that he went to Los Angeles, California on or about March 22, 2006.

2. STANDARD CONDITION NO. 11 - "THE DEFENDANT SHALL NOTIFY THE PROBATION OFFICER WITHIN SEVENTY-TWO HOURS OF BEING ARRESTED OR QUESTIONED BY A LAW ENFORCEMENT OFFICER."

The offender did not notify, in a timely manner, having been detained and questioned by law enforcement agents on March 22, 2006.

3. STANDARD CONDITION NO. 7 - "THE DEFENDANT SHALL REFRAIN FROM EXCESSIVE USE OF ALCOHOL AND SHALL NOT PURCHASE, POSSESS, USE, DISTRIBUTE, OR ADMINISTER ANY NARCOTIC OR OTHER CONTROLLED SUBSTANCE, OR ANY PARAPHERNALIA RELATED TO SUCH SUBSTANCES, EXCEPT AS PRESCRIBED BY A PHYSICIAN."

On August 30, 2006, the offender tested positive to the use of marihuana.

WHEREFORE, I declare under a penalty of perjury that the foregoing is true and correct. In light of the aforementioned, it is respectfully requested that unless ruled otherwise, a summons be issued to Mr. Franco-Díaz so that he may appear before this Honorable Court to show cause why his supervised release should not be revoked. Thereupon, he to be dealt with pursuant to law.

In San Juan, Puerto Rico, this 4th day of December 2006.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

s/Yvette Villegas-Otero
Yvette Villegas-Otero
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YVO/

CERTIFICATE OF SERVICE

I HEREBY certify that on December 4th, 2006, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Jose Ruiz, Chief Criminal Division, U.S. Attorney's Office; and to Joseph Laws, Federal Public Defender, Federal Public Defender's Office.

In San Juan, Puerto Rico, this 4th of December, 2006.

s/Yvette Villegas-Otero
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